

REMARKS/ARGUMENTS

Claims 1-13 are pending herein, new claim 13 having been added by this Amendment, but claims 8-12 have been withdrawn from consideration.

Claims 1-7 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-44 of copending Application No. 10/540,825. Reconsideration of the rejection is respectfully requested.

Please find enclosed a duly executed Terminal Disclaimer to overcome the rejection.

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Senda et al., U.S. Patent No. 5,990,417. Reconsideration of the rejection is respectfully requested.

Independent claim 1 has been amended to provide for “[a]n electromagnetic noise suppressor ... wherein the electromagnetic noise suppressor includes a composite layer including a complicated heterogeneous structure where a binding agent and a magnetic material are integrated at the nanometer scale, wherein the composite layer includes a portion where a crystal lattice is observed to be made up of atoms of the magnetic material, a portion where only the binding agent is observed, and a portion where atoms of the magnetic material are observed to be dispersed in the binding agent without crystallizing.”

Antecedent basis for the amendment to independent claim 1 is found in the specification, for example, on page 15, lines 13-16, and on page 16, lines 5-17.

In contrast, Fig. 10 of Senda et al. shows an electromagnetic noise absorbing material, one or more of particles of an alloy magnetic substance 202 being dispersed in a nonmagnetic insulating substance 203, with distances between the particles of the alloy magnetic substance 202 to maintain electrical insulation, (see column 11, lines 38-48).

There appears to be no disclosure, teaching, or suggestion in Senda et al. of an electromagnetic noise suppressor with a composite layer including a complicated heterogeneous structure where a binding agent and a magnetic material integrated at a nanometer scale, where the composite layer includes a portion where a crystal lattice is observed to be made up of atoms of the magnetic material, the portion where only a binding agent is observed, and a portion where atoms of the magnetic material observed to be dispersed in the binding agent without crystallizing, as required by independent claim 1.

Claim 2 has been canceled without prejudice or disclaimer, since it is redundant to amended independent claim 1.

Since each of claims 3-7 is indirectly or directly dependent upon independent claim 1, each of claims 3-7 is allowable over Senda et al. for the same reasons recited above with respect to the allowability of independent claim 1 over Senda et al.

With regard to new independent claim 13, the only difference between independent claim 1 and independent claim 13 is that the phrase "a portion where only the binding agent is observed" in claim 1 has been changed to --a portion where the binding agent is observed without presence of the magnetic material-- in claim 13. The above-mentioned change in phrasing from independent claim 1 to independent claim 13 is supported in the specification, for example, on page 16, lines 8-10.

In view of the foregoing amendments and remarks, allowance of claims 1, 3-7, and 13 is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2007:

Robert C. Faber

Name of applicant, assignee or
Registered Representative

Signature

August 16, 2007

Date of Signature

Respectfully submitted,

Robert C. Faber

Registration No.: 24,322

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

RCF/MIM:lac